

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0366

CONFERENCE COMMITTEE ENGROSSED NO. **HB 1079** - 3/13/2009

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the sex offender
2 registry.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-24B-2 be amended to read as follows:

5 22-24B-2. Any person who has been convicted for commission of a sex crime, as defined
6 in § 22-24B-1, shall register as a sex offender. The term, convicted, includes a verdict or plea
7 of guilty, a plea of nolo contendere, and a suspended imposition of sentence which has not been
8 discharged pursuant to § 23A-27-14 prior to July 1, 1995. Any juvenile fifteen years or older
9 shall register as a sex offender if that juvenile has been adjudicated of a sex crime as defined in
10 § 22-22-7.2, 22-24B-1(1), or 22-24B-1(9), or of an out-of-state or federal offense that is
11 comparable to the elements of these three sex crimes or any crime committed in another state
12 if the state also requires a juvenile adjudicated of that crime to register as a sex offender in that
13 state. The term, adjudicated, includes a court's finding of delinquency, an admission, and a
14 suspended adjudication of delinquency which has not been discharged pursuant to § 26-8C-4



1 prior to July 1, 2009. The sex offender shall register within five days of coming into any county
2 to reside, temporarily domicile, attend school, attend postsecondary education classes, or work.
3 Registration shall be with the chief of police of the municipality in which the sex offender
4 resides, temporarily domiciles, attends school, attends postsecondary education classes, or
5 works, or, if no chief of police exists, then with the sheriff of the county. If the sex offender is
6 not otherwise registered in the state, the sex offender shall register within five days of coming
7 into any county when the sex offender applies for or receives a South Dakota driver license,
8 registers a motor vehicle, establishes a postal address, or registers to vote. A violation of this
9 section is a Class 6 felony. Any person whose sentence is discharged under § 23A-27-14 after
10 July 1, 1995, shall forward a certified copy of such formal discharge by certified mail to the
11 Division of Criminal Investigation and to local law enforcement where the person is then
12 registered under this section. Upon receipt of such notice, the person shall be removed from the
13 sex offender registry open to public inspection and shall be relieved of further registration
14 requirements under this section. Any juvenile whose suspended adjudication is discharged under
15 § 26-8C-4 after July 1, 2009, shall forward a certified copy of the formal discharge by certified
16 mail to the Division of Criminal Investigation and to local law enforcement where the juvenile
17 is then registered under this section. Upon receipt of the notice, the juvenile shall be removed
18 from the sex offender registry open to public inspection and shall be relieved of further
19 registration requirements under this section.